



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.728/2025

Sumanbai Bhimrao alias Bhagwat Sarkate .Vs. State of Maharashtra and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. A. Bhoyar, Appointed Advocate for applicant.
Mr. I. Damle, A.P.P. for non applicant No.1.
Ms Y. V. Paliwal, Advocate for non applicant Nos. 2 to 4.

CORAM : ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.

DATE : SEPTEMBER 23, 2025

Heard.

2. The appellant – informant is seeking leave to file appeal against judgment dated 04.05.2023 passed by Special Court in Sessions Case No.48/2018. Counsel for the applicant has invited our attention to the evidence led before the Court. It appears that first three witnesses are eye witnesses and have deposed in favour of the prosecution that non applicant Nos. 2 to 4 had assaulted the deceased by means of stick. Their evidence has been disbelieved on the count that they are interested witnesses. Such an inference has been drawn only because the witnesses are relatives of the deceased.

3. In our view, merely because the eye witnesses are relatives, one cannot jump to the conclusion that they are all interested witnesses. According to us, this is a case where reassessment of the evidence is required.

4. Accordingly, we grant leave to the informant to prefer the appeal.

5. The application is disposed of.

Criminal Appeal No. /2025

Heard.

2. **Admit.**

3. Call record and proceedings.

4. Mr. I. Damle, learned A.P.P. waives service of notice for respondent No.1 and Ms Y. V. Paliwal, learned counsel waives service of notice for respondent Nos. 2 to 4.

5. Respondent Nos. 2 to 4 shall appear before the Court on the next date, failing which order under Section 390 of the Criminal Procedure Code, 1973 (Section 431 of the Bhartiya Nagarik Suraksha Sanhita, 2023) will be passed.

(Siddheshwar S. Thombre,J.)

(Anil L. Pansare, J.)